

David Elmer Wolfensperger
1009 Shepherds Glen Lane
Batavia, Ohio 45103
By Special Appearance

June 8, 2008

Sent via Registered Mail # RE 158 255 41845

**3rd NOTICE OF COMPLAINT /
NOTICE OF DEFAULT & ESTOPPEL**

In the Matter of:

Office of the Attorney General
Michael B. Mukasey
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

PLEASE TAKE NOTICE:

**STATEMENT OF COMPLAINT
(Final)**

I have been named as a defendant in a Complaint filed in the UNITED STATES DISTRICT COURT located in the SOUTHERN DISTRICT OF OHIO WESTERN DIVISION Docket # 1:07 CV 571.

Pursuant to Fed. R. Civ. P. Rule 5.1(a)(2) Such Complaint compels me to Contact you concerning issues under the U.S. Constitution. I have Not waived any of my Rights, and I Reserve All of My Rights, including but not limited to, Due Process of Law. I have No Knowledge, Information, or Belief as to:

Any Constitutional Law / Authority which allows So Named Plaintiff, UNITED STATES OF AMERICA, to bring this action against me in the UNITED STATES DISTRICT COURT or would permit the U.S. **Attorney General**, or any delegate or subordinate thereof, to represent So Named Plaintiff in this Complaint; or any legitimate Lawful Assessment, Known Legal Duty, and / or Jurisdiction concerning me personally; or that federal statutes listed in the Complaint under 26 U.S.C. §§ 7401, 7402, 7403, 6673, 6321, 6322 or 28 U.S.C. §§ 1331, 1340, or 1345 otherwise provides for, or proves such exists.

Under the Law at 5 U.S.C. 556(d) the Secretary of the Treasury, and **Attorney General** bear the Burden of Proof to support whether any of such Lawfully Exists. Under the Law at 5 USC 702 Judicial Review is required to determine whether my Rights guaranteed by the Constitution and Laws of the United States, and / or Ohio are possibly being violated by any mistaken or false presumptions, or by usurpation.



Attorney General **Michael B. Mukasey** & Secretary of the Treasury Henry M. Paulson Jr. have been Notified in this Matter on Two Previous occasions. The first of which was on April 21, 2008 providing Thirty Day Timely Response with opportunity to Cure. The second occurred on May 27, 2008 providing a Ten Day Timely Response with opportunity to Cure. This second notice was also provided to their superiors President George W. Bush, and Ohio representatives in Congress Senator Sherrod Brown, Senator George V. Voinovich, and Congresswoman Jean Schmidt. As of this Date of Mailing via Registered Mail, Third and final Notice with Three Day Timely Response and opportunity to Cure, no relevant and / or timely response has yet been received.

These Public Officers / Elected Officials have been Notified of pertinent sections under the Administrative Procedure Act and are aware of the requirements to perform according to Statutes, Regulations and as well according to the U.S. Constitution under the obligation of Oath of Office.

Any failure to perform under either of the aforementioned duties calls in to serious question whether said Officer / Official is actually fit to hold such Office or to serve in such capacity, as Public Officer / Official has repeatedly demonstrated either an unwillingness, or inability to act accordingly without first being compelled by Court Order / Writ of Mandamus / Writ of Prohibition.

It has been repeatedly stated that I, David Elmer Wolfensperger have reserved all of my rights, waived none of my rights, including Due Process of Law, all of which are guaranteed by the Constitution and laws of the United States and the State of Ohio.

REQUEST FOR ACTION
(Final)

Final request is hereby made to President George W. Bush, Attorney General **Michael B. Mukasey**, Secretary of the Treasury Henry M. Paulson Jr., and Ohio representatives in Congress Senator Sherrod Brown, Senator George V. Voinovich, and Congresswoman Jean Schmidt to investigate and substantiate whether or not the previous allegations made and asserted in this Matter are indeed lawful and / or fall within the lawful scope of authority and jurisdiction of the alleging Public Officers, and Title 5 Section 556(d) governs same.

5 USC 702 provides for Judicial Review to determine if such allegations in any way violates any of my Rights guaranteed protected by Constitution and Laws, and final request is hereby made for the aforementioned to comply with the Laws and abide by the Constitution.

REQUEST FOR IDENTITIES, DOCUMENTS, RECORDS, POINTS & AUTHORITIES
(Final)

Request is hereby made for the Names and Identities of all Parties involved in this Complaint, including but not limited to, those included within, or under So Named Plaintiff, and who have been contacted by the same, or President George W. Bush, or Secretary of the Treasury Henry M. Paulson Jr., or U.S. Attorney General **Michael B. Mukasey** or any of their predecessors,

delegates or subordinates, concerning this Matter, as well as Copies of All Documents, Records, Points and Authorities which Support Any and All of So Named Plaintiff's and US. Attorney's Claims and Allegations in this Matter.

REQUEST FOR TIMELY RESPONSE
(Final)

Request is hereby made for an appropriate and timely response within Three (3) Days receipt of this Notice.

ULTIMATUM
(Final)

Should President George W. Bush, U.S. Attorney General **Michael B. Mukasey**, or Secretary of the Treasury Henry M. Paulson Jr., or any of their delegates and / or subordinates ignore, or otherwise fail to adequately respond to this Notice and Requests Made Herein, in a Timely manner, or proceed in any adverse manner as to violate my Rights guaranteed by the Constitution and Laws of the United States, and / or Ohio, I will be compelled then to seek a Congressional Investigation for any Criminal violations, and pursue Civil Litigation.

NOTE:

Under the appropriate Titles of the United States Code, and the Laws of Ohio

Liability is Personal

VERIFICATION

I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the foregoing is true and correct. Executed on June 8, 2008.


Sincerely,

Dated:

June 8, 2008

David Elmer Wolfensperger

David Elmer Wolfensperger, Sui Juris in propria persona
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Registered No.		Date Stamp	
Reg Fee		[Redacted]	
To Be Completed By Post Office	Handling Charge	Return Receipt	 <p>Domestic Insurance up to \$25,000 is included in the fee. International Indemnity is limited. (See Reverse).</p>
	Postage	Restricted Delivery	
	Received by <i>AC</i>		
	Customer Must Declare Full Value \$	<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance	
OFFICIAL USE			
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	<i>David Elmer Wolfensperger</i> <i>1007 Shepherd's Glen Lane</i> <i>Batavia, Ohio 45103</i>	
	TO	<i>Attorney General Michael B. Mukasey</i> <i>U.S. Department of Justice</i> <i>950 Pennsylvania Avenue, NW</i> <i>Washington, D.C. 20530-0001</i>	

PS Form 3806, **Receipt for Registered Mail** Copy 1 - Customer
 May 2004 (7530-02-000-9051) (See Information on Reverse)
 For domestic delivery information, visit our website at www.usps.com®

CASE #	EXHIBIT	TTL PGS
1:07-CV-571	U	4